

# SENATE MOTION

**MR. PRESIDENT:**

**I move** that Engrossed House Bill 1001 be amended to read as follows:

- 1 Page 12, between lines 34 and 35, begin a new paragraph and
- 2 insert:
- 3 "VICTIMS OF DOMESTIC VIOLENCE ADDRESS
- 4 CONFIDENTIALITY PROGRAM
- 5 Total Operating Expense 200,000 200,000".
- 6 Page 97, after line 12 and before line 13, begin a new paragraph and insert:
- 7 "SECTION 42. IC 5-26 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE
- 8 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:
- 9 **ARTICLE 26. ADDRESS CONFIDENTIALITY PROGRAM**
- 10 **Chapter 1. Definitions**
- 11 **Sec. 1. The definitions in this chapter apply throughout this article.**
- 12 **Sec. 2. "Address" means:**
- 13 (1) a residential street address;
- 14 (2) a school address; or
- 15 (3) a work address;
- 16 of an individual as specified on an individual's application to be a program participant.
- 17 **Sec. 3. "Domestic violence" has the meaning set forth in IC 31-9-2-42 and includes**
- 18 **a threat to commit an act described in IC 31-9-2-42 against an individual regardless of**
- 19 **whether the act or threat has been reported to a law enforcement agency.**
- 20 **Sec. 4. "Incapacitated individual" has the meaning set forth in IC 12-10-7-1.**
- 21 **Sec. 5. "Minor" means a person who is less than eighteen (18) years of age.**
- 22 **Sec. 6. "Program participant" refers to an individual certified as a program**
- 23 **participant under IC 5-26-2-3.**
- 24 **Chapter 2. Address Confidentiality Program**
- 25 **Sec. 1. The following individuals may apply to the office of the attorney general to**
- 26 **have an address designated by the office of the attorney general serve as the individual's**
- 27 **address or as the address of a minor or an incapacitated individual:**
- 28 (1) An individual who is at least eighteen (18) years of age.
- 29 (2) A parent or guardian acting on behalf of a minor.
- 30 (3) A guardian acting on behalf of an incapacitated individual.
- 31 **Sec. 2. The office of the attorney general shall approve an application filed in the**
- 32 **manner and on a form prescribed by the office of the attorney general if the application**

contains the following:

(1) A sworn statement by the applicant that the applicant has good reason to believe that:

(A) the applicant, or the minor or incapacitated individual on whose behalf the application is made, is a victim of domestic violence; and

(B) the applicant fears for:

(i) the applicant's safety; or

(ii) the safety of a minor or an incapacitated individual on whose behalf the application is made.

(2) A designation of the office of the attorney general as an agent of the applicant for the purpose of:

(A) service of process; and

(B) receipt of mail.

(3) The:

(A) mailing address; and

(B) telephone number;

where the applicant may be contacted by the office of the attorney general.

(4) The new address that the applicant requests not be disclosed because disclosure may increase the risk of domestic violence.

(5) The signature of the applicant and of any representative of an agency designated under IC 5-26-3-4 that assisted in the preparation of the application.

(6) The date the applicant signed the application.

Sec. 3. (a) Upon approving an application under section 2 of this chapter, the office of the attorney general shall certify the applicant as a program participant.

(b) Except as otherwise provided by statute, the residential and work addresses and telephone numbers of a program participant are confidential.

Sec. 4. A program participant may use an address designated by the office of the attorney general as the program participant's work address.

Sec. 5. A program participant who is otherwise qualified to vote may apply to vote in the same manner as an absent uniformed services voter under IC 3-11-4-6.

Sec. 6. The duration of certification as a program participant is four (4) years unless certification is withdrawn or invalidated before that date. The period commences the date an application is filed. The office of the attorney general shall establish a renewal procedure.

Sec. 7. A person who knowingly or intentionally:

(1) falsely attests in an application made under this chapter that disclosure of the applicant's address would endanger:

(A) the applicant's safety; or

(B) the safety of a minor or an incapacitated individual upon whose behalf the application is made; or

(2) provides false or incorrect information upon making an application under this chapter;

commits a Class B misdemeanor.

### Chapter 3. Duties of the Office of the Attorney General

Sec. 1. The office of the attorney general may adopt rules to implement this article.

Sec. 2. The office of the attorney general may not make a program participant's address, other than an address designated by the office of the attorney general, available for inspection or copying, except as follows:

(1) When requested by a law enforcement agency, to the law enforcement agency.

(2) When directed by a court order, to a person identified in the order.

(3) When certification is canceled.

Sec. 3. The office of the attorney general shall forward first class mail belonging to

1 a program participant to the program participant.

2 Sec. 4. The office of the attorney general shall designate:

3 (1) state and local agencies; and

4 (2) nonprofit agencies;

5 that provide counseling and shelter services to victims of domestic violence to assist  
6 persons in applying to be program participants.

7 Sec. 5. Assistance and counseling rendered by the office of the attorney general or  
8 its designees to applicants under this article may not be construed as legal advice.

9 Chapter 4. Certification Revocation

10 Sec. 1. The office of the attorney general shall revoke the certification of a program  
11 participant who obtains a change of name under IC 34-28-2.

12 Sec. 2. The office of the attorney general may revoke a program participant's  
13 certification if the program participant changes the program participant's residential  
14 address from the address listed on the application, unless the program participant  
15 provides the office of the attorney general with notice seven (7) days before the change  
16 of address.

17 Sec. 3. The office of the attorney general may revoke certification of a program  
18 participant if mail forwarded by the office of the attorney general to the program  
19 participant's address is returned as undeliverable.

20 Sec. 4. The office of the attorney general shall revoke certification of a program  
21 participant who has applied to the address confidentiality program using false  
22 information.

23 Chapter 5. Agency Use of Designated Address

24 Sec. 1. A program participant may request that a state or local agency use the  
25 address designated by the office of the attorney general as the program participant's  
26 address.

27 Sec. 2. Whenever a state or local agency creates a new public record, the agency  
28 shall accept the address designated by the office of the attorney general as a program  
29 participant's substitute address unless the office of the attorney general determines that  
30 the agency:

31 (1) is required by statute or administrative rule to use an address that would  
32 otherwise be confidential under this article; and

33 (2) may use the confidential address only for the statutory or administrative  
34 purpose identified under subdivision (1)."

35 Renumber all SECTIONS consecutively.

(Reference is to E.H.B. 1001 as printed March 26, 1999.)

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Senator SIMPSON